

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BLUEFIELD DIVISION

LASHAWN L. WILKS,

Petitioner,

v.

Case No.: 1:23-cv-00674

WARDEN E. ROKOSKY,

Respondent.

MEMORANDUM OPINION AND ORDER
SEALING EXHIBITS

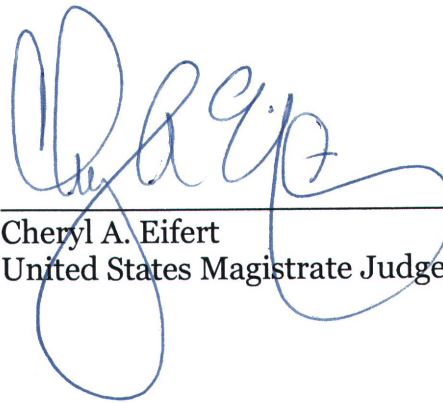
Pending is Petitioner's *pro se* Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and Motion to Supplement the Petition. (ECF Nos. 1, 10). Along with the Motion to Supplement, Petitioner provided an Exhibit that contained protected health information. (ECF No. 10-2). Having reviewed the Exhibit, which the Clerk has temporarily sealed pending review, the Court **ORDERS** the Clerk to **SEAL** the Exhibit on the ground that it consists of protected health information. (ECF No. 10-2). The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the Exhibit shall be sealed and will be designated as

sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the Exhibit, but in view of the nature of the information set forth in the Exhibit—which is personal information protected from public release—alternatives to wholesale sealing are not feasible at this time. Accordingly, the Court finds that sealing the Exhibit does not unduly prejudice the public's right to access court documents.

The Court further **GRANTS** Petitioner's Motion to Supplement the Petition. (ECF No. 10). Respondent is **ORDERED** to file any response to the Supplement that he deems appropriate within **fourteen days** of the date of this Order.

The Clerk is directed to provide a copy of the Exhibit to counsel prior to sealing it and to provide a copy of this Order to Petitioner and counsel.

ENTERED: April 5, 2024



Cheryl A. Eifert
United States Magistrate Judge